

REMARKS

Claims 1-45 are pending in the instant application, and are subject to restriction. The Office Action, on page 2, requires restriction to one of the following groups under 35 U.S.C. §121:

- Group I: claims 1-9, 16 and 17, drawn to a method of inhibiting one or more protein kinase activity comprising the administration of a compound of claim 1, classified in class 514.
- Group II: claim 10, drawn to a method of treating or essentially inhibiting hyperproliferative disorders or inflammatory diseases comprising administration of the compound of claim 10, classified in class 514.
- Group III: claim 11, drawn to a method of treating or inhibiting angiogenesis comprising administration of the compound of claim 11, classified in class 514.
- Group IV: claim 12, drawn to a method of inducing an anti-angiogenic effect comprising administration of the compound of claim 12, classified in class 514.
- Group V: claim 13, drawn to a method of treating or inhibiting the progression of a disease condition comprising administration of the compound of claim 13, classified in class 514.
- Group VI: claims 14 and 15, drawn to a method of affecting vascular hyperpermeability or the production of edema comprising administration of the compound of claim 14, classified in class 514.
- Group VII: claims 18-21, and 23-45, drawn to the compound of claim 18, pharmaceutical composition and method of use, classified in various classes and subclasses depending on the nature of R and R<sup>1</sup>.
- Group VIII. Claim 22, drawn to compounds of claim 22, classified in classes 544, 546 and 548, various subclasses.

Applicants are required to elect one of the above groups for prosecution on the merits. The Office Action, at the top of page 4, also indicates that claims 1-45 are generic to a plurality of disclosed patentably distinct species, and further that Applicants are required to elect a single disclosed species.

Applicants respectfully traverse the requirements for restriction and election, and submit that the requirements are improper. First, Applicants assert that the subject matter of the various groups represent different embodiments of a single inventive concept for which a single patent should issue. The pending claims represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination of all claims in a single application. Moreover, the patent statutes require that Applicants disclose how to make and use the compounds of invention. It is only reasonable, then, that Applicants be allowed to prosecute the compounds and the methods for using the compounds in a single application. Therefore, it is improper to require that the subject matter of these groups be prosecuted in separate patent applications.

Second, Applicants submit that a sufficient search and examination with respect to the subject matter of all claims can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (7th ed., Rel. 78A, March 1999).

That is, even if the above-enumerated groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all eight groups will have substantial overlap, and no serious burden will result from searching and examining all eight groups in the same application. This is especially true for Groups I-VI, inasmuch as Groups I-VI share the same classification, *i.e.*, class 514. Thus, at a minimum, no serious burden would result from searching and examining Groups I-VI.

Applicants further submit that the search and examination of Groups VII and VIII would involve substantial overlap, given that the specific compounds recited in claim 22 are encompassed by the generic structure of claim 18. Again, no serious burden would result from searching and examining both groups together.

Therefore, in the interest of savings of time and cost to Applicants and the Patent Office, Applicants respectfully request that all the claims be examined in the instant application. Alternatively, Applicants request that the number of groups be reduced by combining Groups I-VI into a single group, and Groups VII and VIII in a single group.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group VII, claims 18-21 and 23-45, and the compound 3-cyclopropyl-4-[(4,5-dimethylpyrrolo-2-yl)-methylene]-2-pyrazolin-5-one, disclosed in the specification at page 53, line 26 and in claim 22 on page 209, line 13. If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Respectfully submitted,



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